

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| BRIARWOOD INVESTMENTS, INC., | | : Civil Action No. 1:07-cv-08159-LLS |
| Individually and On Behalf of All Others | | : |
| Similarly Situated, | | : <u>CLASS ACTION</u> |
| | Plaintiff, | : |
| vs. | | : DECLARATION OF DAVID A. ROSENFELD |
| | | : IN FURTHER SUPPORT OF THE MOTION |
| | | : OF ALASKA HOTEL & RESTAURANT |
| CARE INVESTMENT TRUST INC., | | : EMPLOYEES PENSION TRUST FUND AND |
| | | : NORFOLK COUNTY RETIREMENT |
| | Defendant. | : SYSTEM FOR APPOINTMENT AS LEAD |
| <hr/> | | : PLAINTIFFS AND APPROVAL OF |
| | | X SELECTION OF COUNSEL |

DAVID A. ROSENFELD, an attorney admitted to practice law before the court of this State as well as this Court, declares, under penalty of perjury, as follows:

1. I am a member of Coughlin Stoia Geller Rudman & Robbins LLP (“Coughlin Stoia”), counsel for proposed Lead Plaintiff Alaska Hotel & Restaurant Employees Pension Trust Fund (“Alaska”) and plaintiff Briarwood Investments, Inc. (“Briarwood”), and, together with the firm of Labaton Sucharow LLP (“Labaton Sucharow”), proposed Lead Counsel in this matter.

2. I submit this Declaration in further support of the application of Alaska and Norfolk County Retirement System (“Norfolk”) for appointment as Lead Plaintiffs and for the approval of their selection of counsel as Lead Counsel, for the purpose of placing certain documentary and other exhibits before the Court.

3. Annexed as Exhibit A is a copy of the Affidavit of Robert E. Tierney, Executive Officer of the Boston Retirement Board, submitted on behalf of former proposed Lead Plaintiff State-Boston Retirement System (“Boston”), sworn to on January 9, 2008;

4. Annexed as Exhibit B is a copy of the Affidavit of Joseph Connolly, Treasurer of Norfolk, sworn to on January 9, 2008;

5. Annexed as Exhibit C is a copy of the Affidavit of Rina Rollhaus, President of Briarwood, sworn to on January 10, 2008;

6. Annexed as Exhibit D is a copy of the Affidavit of Christopher J. Keller, a member of Labaton Sucharow, submitted in support of this application, sworn to on January 11, 2008;

7. Annexed as Exhibit E is a copy of the Notice of Withdrawal that Boston filed on January 11, 2008, in connection with the formal withdrawal of its application for appointment as Lead Plaintiff;

8. Annexed collectively as Exhibit F are copies of the stipulations and other documents referred to at page 8 of proposed Lead Plaintiffs’ accompanying memorandum of law, in the

following sequence: *Aviva Partners LLC v. Exide Technologies*, No. 3:05-cv-03098-MLC-JJH (D.N.J. March 24, 2006) ; *In re Infineon Tech. AG Sec. Litig.*, No 04-cv-4156-JW (N.D. Cal. Apr. 22, 2005); *In re Conagra Foods, Inc. Sec. Litig.*, No 8:05-cv-00292-LES-TDT (D. Neb. Dec. 2, 2005) (Joint Stipulation dated September 6, 2005); *In re Harley-Davidson, Inc. Sec. Litig.*, No 05-cv-00547-CNC (E.D. Wis. Feb. 14, 2006).

9. Annexed as Exhibit G is a copy of an Order in *In re DHB Indus. Inc. Sec. Litig.*, No. 2-:05-cv-4296-JS-ETB (E.D.N.Y.);

10. Annexed as Exhibit H is a copy of the transcript of *Middlesex County Retirement System v. Monster Worldwide, Inc.*, No. 07-cv-2237 (S.D.N.Y. June 14, 2007);

11. Annexed as Exhibit I is a copy of the firm resume of Coughlin Stoia;

12. Annexed as Exhibit J is a copy of the firm resume of Labaton Sucharow; and

13. Annexed as Exhibit K is a copy of the Revised Stipulation that proposed Lead Plaintiffs Alaska and Norfolk submit to the Court in support of this application, which would effectuate their appointment as Lead Plaintiffs and their selection of counsel as Lead Counsel.

DATED: January 11, 2008

/s/ David A. Rosenfeld
DAVID A. ROSENFELD

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2008, a copy of the foregoing

- Supplemental Memorandum Of Law In Further Support Of The Motion Of Alaska Hotel & Restaurant Employees Pension Trust Fund And Norfolk County Retirement System For Appointment As Lead Plaintiffs And Approval Of Selection Of Counsel; and
- Declaration Of David A. Rosenfeld In Further Support Of The Motion Of Alaska Hotel & Restaurant Employees Pension Trust Fund And Norfolk County Retirement System For Appointment As Lead Plaintiffs And Approval Of Selection Of Counsel

was sent, via U.S. Mail, postage prepaid to the following parties on the attached service

list.

s/ David A. Rosenfeld _____
David A. Rosenfeld

CARE INVESTMENT

Service List - 12/21/2007 (07-0193)

Page 1 of 1

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